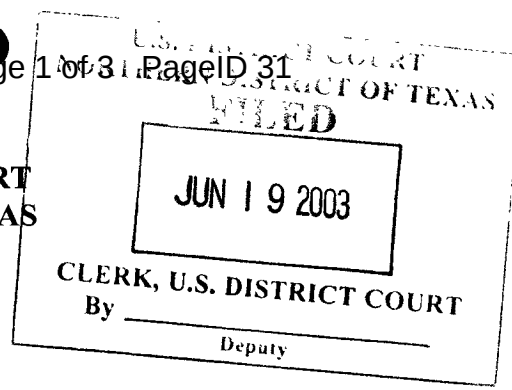


CTJ:NOT
ORIGINAL



IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ROBERT N. GOLDSTEIN,
GOLDSTEIN/HABEEB
ENTERTAINMENT, INC., and
CHEATERS, LTD.,
Plaintiffs

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CAUSE NO. 03-CV-0266N

vs.

TOMMY HABEEB
Defendant

**MOTION TO COMPEL PRODUCTION OF DOCUMENTS
WITH REQUEST FOR EXPEDITED HEARING THEREON**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW Robert N. Goldstein, Goldstein/Habeeb Entertainment, Inc. and Cheaters, Ltd., Plaintiffs, and move the Court for an Order compelling Defendant, Tommy Habeeb, to produce documents duly and timely requested pursuant to Fed.R.Civ.P. 34, and for cause would respectfully show the Court as follows:

1. On April 22, 2003, Plaintiffs propounded the following request for production to Defendant:

REQUEST FOR PRODUCTION NO. 1:

All bank statements, deposit slips and cancelled checks for each bank account on which you have been a signatory during and for the period beginning on January 1, 1998, and continuing until and ending on the present date.

2. On May 22, 2003, Defendant served the following response to such request:

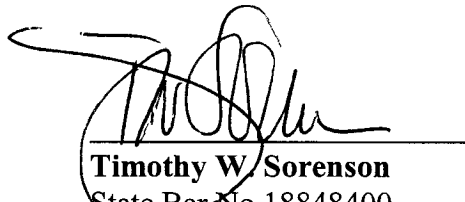
Defendant objects to this request for production as being overly broad, unduly burdensome, harassing, and not reasonably calculated to lead to the discovery of admissible evidence.

3. The requested documents are relevant to and possibly the best evidence of Plaintiffs' damages. In addition, Defendant asserts that he has paid moneys to Plaintiff for which

Plaintiff has not accounted. The documents requested are the best evidence of such payments. In addition, Defendant threatens a counterclaim for moneys not paid to him by Plaintiff. The documents requested are the best evidence of what moneys were paid to Defendant by Plaintiffs. In addition, Defendant claims that Plaintiffs have failed to reimburse Defendant for travel expenses and automobile payments. The requested documents are the best evidence of such payments. In addition, Defendant admits selling t-shirts bearing Plaintiff's protected logo, but states that he only sold one or two of such t-shirts. The requested records are the best evidence of the moneys Defendant received from the sale of such t-shirts.

4. **Request for expedited hearing.** Discovery closes in this case on October 4, 2003. Without the documents requested, Plaintiffs' deposition of the Defendant will be significantly impaired, as the Plaintiffs' questions will be subject to "I don't know" and "I don't remember responses". The requested documents will simplify the Defendant's deposition in that they will fill in the gaps in Defendant's memory and confirm or deny Defendant's testimony related to finances.

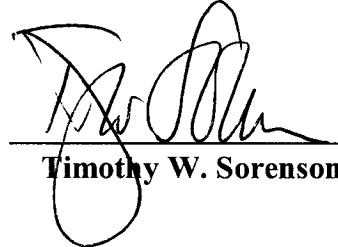
Respectfully submitted,



Timothy W. Sorenson
State Bar No. 18848400
1717 Main Street, Suite 4050
Dallas, Texas 75201-4639
Ph: (214) 653-4377
Fax: (214) 653-4343
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

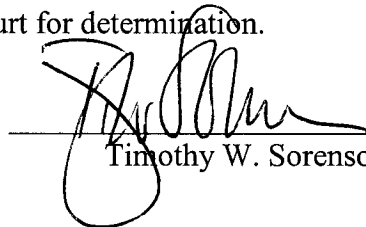
I CERTIFY that in compliance with the provisions of Rule 5 of the Federal Rules of Civil Procedure on this 19th day of June, 2002, I caused a true and correct copy of the foregoing motion to be delivered to Andrew Bergman, counsel for Tommy Habeeb by facsimile and first class mail, properly addressed, in a postpaid envelope deposited with the United States Postal Service.



Timothy W. Sorenson

CERTIFICATE OF CONFERENCE

This is to certify that I have conferred with Andrew Bergman, counsel for Tommy Habeeb, regarding the merits of the foregoing motion. Mr. Berman does not oppose this motion, but conditions that position in Plaintiffs providing to him documents not under their care or control. Therefore, this matter is submitted to the court for determination.



Timothy W. Sorenson